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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
FR-AM 0939 NP

First named inventor: BERTELO, C. et al

Application No.: 09/088,707

Art Unit: 1711

Filed: June 2, 1998

Examiner: Jeffrey C. Mullis

Title: IMPACT ADDITIVE OF THE CORE/SHELL TYPE FOR THERMOPLASTIC POLYMERS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

11/15/2004 BABRAHA1 00000113 012717 09088707

02 FC:1454 1370.00 DA

11/15/2004 BABRAHA1 00000120 012717 09088707

01 FC:1453 1370.00 DA

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

- ☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,370.00 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of RCE (identify type of reply):

- ☒ has been filed previously on August 11, 2004.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

<u>Thomas F. Roland</u> Signature	<u>11/9/04</u> Date
<u>Thomas F. Roland, Esquire</u> Typed or printed name	<u>42,110</u> Registration Number, if applicable
<u>Arkema Inc.</u> Address	<u>215-419-7314</u> Telephone Number
<u>2000 Market St., Philadelphia, PA 19103</u> Address	

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

November 9, 2004  
Date

Michele T. Muller  
Signature

Michele T. Muller  
Typed or printed name of person signing certificate



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : BERTELO, et al.

Group Art Unit: 1711

Serial No.: 09/088,707

Examiner: Jeffrey C. Mullis

Filed: June 2, 1998

For: IMPACT ADDITIVE OF THE CORE/SHELL TYPE FOR THERMOPLASTIC  
POLYMERS

**STATEMENT TO ESTABLISH UNINTENTIONAL DELAY**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

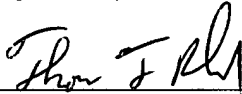
This in reply to the Dismissal of our Petition to revive the above listed application as unavoidable, suggesting Applicant instead petition as unintentional. Applicant is now petitioning for revival of the application due to unintentional delay. Applicant is submitting along with this Petition the requisite fee, and resubmitting a Request for Continued Examination (RCE).

**Facts:**

1. Applicant responded to the January 6, 2004 Final Rejection on June 2, 2004, with an Amendment and a request and fee for a 2-month extension of time.
2. Applicant's Amendment canceled all un-allowed claims, and corrected a spelling error in the title – thereby making ALL present objections and rejections mute, and placing the application in condition for allowance.
3. Applicant's June 2, 2004 Fax submission was accepted by the USPTO (submission with USPTO Fax receipt attached hereto), and no indication was received in a timely fashion indicating that the Fax might be illegible.
4. The USPTO properly charged Applicant's account the 2-month \$420 late fee, clearly indicating that the Fax of June 2, 2004 was legible.

5. On July 9, 2004 – 3 days after the 6-month month time period after final – the Examiner sent an Advisory action, stating that Applicant's June 2, 2004 amendment was not entered because it was illegible.
6. On August 16, 2004 Applicant filed a Petition to revive the application for unavoidable delay.
7. On November 1, 2004, the Petitions Office of the USPTO dismissed our Petition for unavoidable delay, suggesting that applicant instead petition for unintentional delay.

Respectfully submitted,



\_\_\_\_\_  
Thomas F. Roland  
Attorney for the Applicants  
Reg. No. 42,110

Date: November 9, 2004

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